

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JEFFREY POLEK,

Plaintiff,

Case Number 09-13869
Honorable Thomas L. Ludington

v.

GRAND RIVER NAVIGATION COMPANY, INC.,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on a report issued by Magistrate Judge Charles E. Binder on November 30, 2010 [Dkt. # 33]. The magistrate judge recommends denying Defendant's motion for summary judgment. As of today's date, no party has filed any objections to the magistrate judge's report and recommendation. The failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the reasoning and conclusion of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt # 33] is **ADOPTED**.

It is further **ORDERED** that Defendant's motion for summary judgment [Dkt. # 24] is **DENIED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: December 17, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 17, 2010.

s/Tracy A. Jacobs
TRACY A. JACOBS